

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DAVID ARTHUR DEPONTE,  
Plaintiff,  
v.  
MIRNA BIERMAN, et al.,  
Defendants.

Case No. [23-cv-03813-LJC](#)

**ORDER GRANTING PLAINTIFF  
EXTENSION OF TIME TO FILE  
SECOND AMENDED COMPLAINT**

Re: Dkt. Nos. 38, 39

On February 9, 2024, the Court dismissed plaintiff's First Amended Complaint and granted him leave to file a Second Amended Complaint by March 8, 2024. ECF 35. On March 1, plaintiff filed a "Motion for Permissive Joinder" describing retaliation that he has experienced since filing his lawsuit. ECF 38. On March 6, plaintiff filed a "Motion for Leave to File an Amended Complaint." ECF 39. The Court construes plaintiff's March 6 motion as a request for an extension of time to file his Second Amended Complaint and grants the motion.

Plaintiff's Second Amended Complaint is due by **April 15, 2024**, and must include the caption and civil case number used in this order, 23-cv-03813-LJC, and the words "SECOND AMENDED COMPLAINT" on the first page. Because **an amended complaint completely replaces the original complaint**, plaintiff must include in it all the claims he wishes to present. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992). Plaintiff may not incorporate material from the original Complaint by reference. He should explain the facts to the Court as though it is his first time doing so. Failure to amend by **April 15, 2024** will result in dismissal of this case.

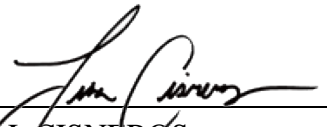
As for plaintiff's request for joinder, he may include in his Second Amended Complaint "as many claims as [he] has" against a single defendant. Fed. R. Civ. P. 18(a). But he can only

1 join other defendants “if any right to relief is asserted against them jointly, severally, or in the  
2 alternative with respect to or arising out of the same transaction, occurrence, or series of  
3 transactions or occurrences; and any question of law or fact common to all defendants will arise in  
4 the action.” Fed. R. Civ. P. 20(a)(2). Plaintiff should not join unrelated claims against different  
5 defendants. Plaintiff’s claims of retaliation for filing this lawsuit are sufficiently related to the  
6 underlying claims in this lawsuit that he may include them.

7 This Order terminates ECF 38 and 39.

8 **IT IS SO ORDERED.**

9 Dated: March 18, 2024

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13 LISA J. CISNEROS  
14 United States Magistrate Judge  
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